

United States District Court

WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

ANTHONY MARK ZELINSKI

ORDER OF DETENTION PENDING TRIAL

Case Number: 1:05-CR-254

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

(1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is

a crime of violence as defined in 18 U.S.C. §3156(a)(4).

an offense for which the maximum sentence is life imprisonment or death.

an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____

a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.

(3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).

(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

(1) There is probable cause to believe that the defendant has committed an offense

for which a maximum term of imprisonment of ten years or more is prescribed in _____

under 18 U.S.C. §924(c).

(2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the ~~appearance of the defendant as required and~~ safety of the community.

Alternate Findings (B)

(1) There is a serious risk that the defendant will not appear.

(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant is charged with conspiring to sell firearms to prohibited persons, disposing of firearms to felons, and aiding and abetting the possession of firearms in furtherance of a drug trafficking crime. Defendant has a minimal criminal history of malicious destruction of personal property and domestic violence. He is currently unemployed since Electrolux moved out of Greenville. 50 handguns have been registered to the defendant, of which several have been found in possession of persons with criminal records, and the majority of which are unaccounted for. Although defendant has told the grand jury he is a collector, most of these guns are similar, cheap weapons. He has also indicated they were (continued on attachment)

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that no condition or combination of conditions will assure the safety of the community, based upon the fact that the presumption is unrebutted in this regard. Defendant has rebutted that portion of the presumption that he is a risk of flight, and absent that presumption there is no evidence he is a risk of flight.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: January 17, 2006



Signature of Judicial Officer

Hugh W. Brenneman, United States Magistrate Judge

Name and Title of Judicial Officer

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Alternate Findings (B) - (continued)

stolen but has filed no such reports. Both the defendant's current wife and current girlfriend testified that the defendant sold guns to co-defendants for drugs, or traded guns to them for drugs, and that he told them to lie about these weapons if questioned. (Prior to this investigation, neither the wife nor the girlfriend knew about each other.) Defendant has no record of failing to appear regarding his previous criminal matters, appeared before the grand jury, knew of the investigation and did not flee, and has children in the area.